

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Brijesh Agarwal et al.	Confirmation No.:	8067
Application No.:	10/026,359	Art Unit:	3692
Filed:	December 24, 2001	Examiner:	F. Poinvil
Title:	METHOD AND SYSTEM FOR COMPUTER-IMPLEMENTED TRADING OF SECONDARY MARKET DEBT SECURITIES		

MS Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**APPLICATION FOR PATENT TERM ADJUSTMENT AND REQUEST FOR
RECONSIDERATION OF THE PATENT TERM ADJUSTMENT UNDER 37 C.F.R. §§
1.702-1.705**

Dear Sir:

The Issue Notification mailed on August 26, 2009 for the application referenced above recites a 1530 day patent term adjustment. Applicants believe that the application is entitled to more than 1530 days of term adjustment, and hereby request reconsideration of the patent term adjustment as follows.

Applicants believe the total patent term adjustment under 37 C.F.R. §§ 1.702-1.704 should be 2,199 days, which is the total of:

(1) (a) 1575 days under 37 C.F.R. §§ 1.702(a)(1) and 1.703(a)(1), for the delay in issuing a first office action after February 24, 2003 (14 months from the filing date) until June 18, 2007 (date the first office action was mailed);

(b) minus 83 days of delay attributable to the Applicants under 37 C.F.R. § 1.704(b) for the 83 day delay in responding to a Non-Final Rejection (mailed June 18, 2007) from September 18, 2007 (three

months after the mailing of the Non-Final Rejection) until December 10, 2007 (the date Applicants' response to the Non-Final Rejection was received in the Patent Office);

(c) minus 61 days of delay attributable to the Applicant under 37 C.F.R. §1.704(b) for the delay in responding to a Non-Final Rejection (mailed March 18, 2008) from June 18, 2008 (three months after the mailing of the Non-Final Rejection) until August 18, 2008 (the date Applicants' response to the Non-Final Rejection was received in the Patent Office);

(d) minus 52 days of delay attributable to the Applicant under 37 C.F.R. §1.704(b) for the delay in responding to the Final Rejection (mailed November 28, 2008) from February 28, 2009 (three months after the mailing of the Final Rejection) until April 21, 2009 (the date Applicants' response to the Final Rejection was received in the Patent Office, which includes an Advisory Action mailed by the Patent Office on March 25, 2009 in response to the Applicants' initial Amendment after Final Rejection filed on February 26, 2009);

for a total of 1379 days under (1);

(2) 1726 days under 37 C.F.R. §§ 1.702(b) and 1.703(b) for the Patent Office delay in issuing the patent after December 24, 2004 (3 years after filing date) until September 15, 2009 (the issue date of the patent.)

The periods (1) and (2) overlap by 906 days. (37 C.F.R. § 1.703(f). See *Wyeth v. Dudas*, 88 U.S.P.Q.2d 1538 (D.D.C. 2008). Thus, the total adjustment based on (1) and (2) above would be 2,199 days.

The additional days of patent term adjustment are requested under 37 C.F.R. §§ 1.702(b) and 1.703(b) for the following reason.

37 C.F.R. 1.702(b) states:

Subject to the provisions of 35 U.S.C. 154(b) and this subpart, the term of an original patent shall be adjusted if the issuance of the patent was delayed due to the failure of the Office to issue a patent within three years after the date on which the application was filed under 35 U.S.C. 111(a)

The instant application was filed under 35 U.S.C. § 111(a) on December 24, 2001 and therefore should have issued by December 24, 2004.

37 C.F.R. § 1.703 states in pertinent part:

The period of adjustment under § 1.702(b) is the number of days, if any, in the period beginning on the day after the date that is three years after the date on which the application was filed under 35 U.S.C. 111(a) ... and ending on the date a patent was issued

Therefore, the relevant period of delay in issuing the patent began on December 24, 2004 and our calculations show that the application should receive an additional 820 day term adjustment, for a total of 2,199 days.

In accordance with 37 C.F.R. 1.18(c), please charge the \$200.00 fee to our Deposit Account No. 08-0219. The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 08-0219, under Order No. 1497210.123 US1.

Respectfully submitted,

Dated: November 16, 2009

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